

Permit No. GNV0200001

**NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT FOR AGRICULTURAL APPLICATIONS
AUTHORIZATION TO DISCHARGE**

In compliance with the provisions of the Clean Water Act as amended, (33 U.S.C. 1251 et. seq; the "Act"), and Chapter 445A of the Nevada Revised Statutes (NRS),

Agricultural Dischargers included under this General Permit

are authorized to discharge water containing certain agricultural chemicals that are regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA),

to

Waters of the State of Nevada, via irrigation ditches

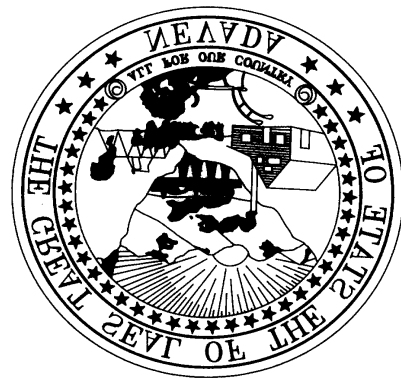
in accordance with effluent limitations, monitoring requirements, and other conditions set forth in the Letter of Authorization and Parts I, II, and III hereof.

This permit shall become effective on: **June 12, 2002**

This permit and the authorization to discharge shall expire at midnight, **June 12, 2007**

Signed this 12th day of June, 2002.

Jonathan C. Palm, Ph.D., P.E.
Permitting Branch Supervisor
Bureau of Water Pollution Control



PART I

I.A. PERMIT OBJECTIVE

The objective of this permit is to authorize the use of certain aquatic herbicides for the control of unwanted vegetation in water conveyance facilities that return to the waters of the State of Nevada. This permit will allow the use of only those chemicals that are regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The chemicals must be used in accordance with the EPA label instructions.

I.B. ELIGIBILITY, PERMIT REQUIREMENT, AND REQUEST FOR INCLUSION

- I.B.1. Any entity that uses aquatic herbicides for the control of unwanted vegetation in irrigation ditches is eligible for this permit.
- I.B.2. NRS 445A.465 prohibits the discharge of pollutants from a point source without a permit. This general permit for discharge may be obtained for irrigation waters that are treated with an aquatic herbicide and returned to the waters of the State.
- I.B.3. Eligible dischargers are required to request inclusion in this permit by filing a Notice of Intent (NOI) and filing fee with the Nevada Division of Environmental Protection (Division) no later than 30 days before a new discharge is expected to occur.
- I.B.4. The Division may require the holder of a general permit to apply for and obtain an individual permit in accordance with NRS 445A.480.

I.C. EFFLUENT LIMITATIONS, MONITORING, AND CONDITIONS

- I.C.1. **Effluent Limitations:** During the period beginning on the effective date of this permit, and lasting until the permit expires, the discharge shall be limited and monitored by the Permittee in accordance with the Effluent Discharge Limitations specified in the table below.
 - a. Representative samples of irrigation water treated with aquatic herbicides must be collected prior to release or discharge, in accordance with the conditions specified as follows:

EFFLUENT DISCHARGE LIMITATIONS

| PARAMETERS¹ | LIMITATION | MONITORING REQUIREMENTS | | |
|-------------------------------|---------------------------|--------------------------------|--|---------------------------|
| | | <u>Sample Location</u> | <u>Measurement Frequency</u> | <u>Sample Type</u> |
| <i>Acrolein</i> | <i>Monitor and Report</i> | <i>Irrigation Ditch</i> | <i>Immediately prior to discharge and not less than 6 days after application^{2,3}</i> | <i>Discrete</i> |
| <i>Xylenes</i> | <i>Monitor and Report</i> | <i>Irrigation Ditch</i> | <i>Immediately prior to discharge and not less than 24 hours after application^{2,3}</i> | <i>Discrete</i> |
| <i>Other⁴</i> | <i>Monitor and Report</i> | <i>Irrigation Ditch</i> | <i>Immediately prior to discharge^{2,3}</i> | <i>Discrete</i> |

¹ The specific chemical or chemicals subject to monitoring requirements are those listed in the table above or those listed in the Permittee's Notice of Intent, based on the chemicals and products used. Analytes and sampling requirements other than those listed above shall be

specified in the Letter of Authorization. Laboratory analysis shall use the appropriate EPA analytical method specified in 40 Code of Federal Regulations (CFR) Part 136 or SW846.

- 2 Water treated with aquatic herbicides is prohibited from discharge until after residence or holding times specified in product label instructions and specifications have elapsed (i.e. acrolein cannot be released for 6 days after application).
- 3 Or other frequency to comply with EPA label instructions or to suit individual field conditions, as approved by NDEP.
- 4 As approved in the Letter of Authorization

I.C.2. **Prohibited Discharge:** There shall be no discharge or release of pollutants or toxic contaminants to the ground surface or waters of the State except as authorized by this permit.

I.C.3. **Premise of Discharge:** The Permittee (discharger) shall not cause any impairment to any receiving water or the designated beneficial uses of any receiving water, nor cause a violation of any other provision of this permit, the Clean Water Act, and State or local regulation or law.

I.C.4. **Use and Application:** All chemical products used for aquatic applications (also regulated under FIFRA) shall be applied in strict accordance with and adherence to ALL product label instructions, specifications, and warnings or recommendations. No person except one who is trained and qualified in the handling of such chemicals shall apply the chemicals.

I.C.5. **Prerogative to Reopen:** This permit may be re-opened, re-evaluated, and modified by the permitting authority to re-evaluate monitoring frequency, effluent limits, additional testing, and/or other appropriate actions in response to demonstrated or perceived need, or promulgation of more stringent or applicable regulation. This permit may also be re-evaluated and modified by the permitting authority to incorporate alternative permit conditions reflecting revisions related to discharge toxicity under State Water Quality Standards. All conditions and limitations included in this permit are expressly subject to change or alteration.

I.C.6. **Narrative Standards:** Per Nevada Administrative Code (NAC) 445A.121, discharges shall not cause the following standards to be violated in any surface waters of the State. Waters must be free from:

- a. Substances that will settle to form sludge or bottom deposits in amounts sufficient to be unsightly, putrescent, or odorous;
- b. Floating debris, oil, grease, scum, and other floating materials in amounts sufficient to be unsightly;
- c. Materials in amounts sufficient to produce taste or odor in the water, detectable off-flavor in the flesh of fish, or in amounts sufficient to change the existing color, turbidity, or other conditions in the receiving stream to such a degree as to create a public nuisance;
- d. High temperature; biocides; organisms pathogenic to human beings; or toxic, corrosive, or other deleterious substances at levels or combinations sufficient to be toxic to human, animal, plant, or aquatic life;
- e. Radioactive materials resulting in accumulations of radioactivity in plants or animals hazardous or harmful to humans or aquatic life;
- f. Untreated or uncontrolled wastes or effluents that are reasonably amenable to treatment or control; and
- g. Substances or conditions which interfere with the beneficial use of the receiving waters.

Narrative standards are not considered violated when the natural conditions of the receiving water are outside the established limits, including periods of high or low flow. Where effluents are discharged to such waters, the discharges are not considered a contributor to substandard conditions provided maximum treatment in compliance with permit requirements is maintained.

- I.C.7. **Odors:** There shall be no objectionable odors from discharges to irrigation ditches other than what is normally anticipated in the proper application of herbicide.
- I.C.8. **Visibility Parameters:** There shall be no discharge of floating solids or visible foam in other than what is normally anticipated in the proper application of herbicide.
- I.C.9. **Best Management Practices:** The Permittee shall implement Best Management Practices (BMPs) in any and all forms prudent or necessary to protect the waters of the State.
- I.C.10. **Stormwater Management:** The use of chemical products for agricultural application shall not be conducted during storm events.
- I.C.11. **Presumption of Possession and Compliance:** Copies of this permit and any subsequent modifications shall be maintained at the permitted facility at all times.
- I.C.12. **Annual Fee:** The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1, 2002 and every year thereafter until the permit is terminated.
- I.C.13. **Schedule of Compliance:** The Permittee shall implement and comply with the provisions of the schedule of compliance after approval by the Administrator, including in said implementation and compliance, any additions or modifications which the Administrator may make in approving the schedule of compliance.
 - a. The Permittee shall achieve compliance with the effluent limitations upon issuance of the permit.

I.D. MONITORING AND REPORTING

I.D.1 Monitoring:

- a. **Representative Samples:** One sample shall be taken for each devegetation episode in which the herbicide is applied. Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. Samples shall be submitted to the certified laboratory within the time period specified by the laboratory.
- b. **Test Procedures:** Monitoring for the analysis of pollutants shall be conducted according to test procedures approved under 40 CFR 136 published pursuant to Section 304(h) of the Act; or other procedures as approved by the Division in the permit. Analysis shall be performed by a State of Nevada certified laboratory.
- c. **Recording the Results:** For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:
 - i. The exact place, date, and time of application and sampling;
 - ii. The dates the analyses were performed;
 - iii. The person(s) who performed the analyses;
 - iv. The analytical techniques or methods used; and
 - v. The results of all required analyses.
- d. **Additional Monitoring by Permittee:** If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in any calculation and/or reported value required in this permit. Such increased frequency shall also be indicated in required reports.

- e. **Records Retention:** All records and information resulting from monitoring activities; the permit application; and reporting required by this permit, including all records of analyses performed, calibration and maintenance of instrumentation, and recordings from continuous monitoring instrumentation shall be retained for a minimum of five (5) years or longer if required by the Administrator.
 - f. **Detection Limits:** All laboratory analysis conducted in accordance with this discharge permit must meet the following criteria:
 - i. The most sensitive analytical method specified or approved in either 40 CFR 136 or SW-846 shall be used, which is required or approved by the Nevada State laboratory certification program; and
 - ii. Each parameter shall have detection at or below the permit limits or the method detection limit as defined in the analytical method whichever is lower.
 - g. **Modification of Monitoring Frequency and Sample Type:** After considering monitoring data, stream flow, discharge flow, and receiving water conditions, the Division may, for just cause, modify the monitoring frequency and/or sample type by issuing an order to the Permittee.
 - h. **Definitions:**
 - i. Daily maximum: is the highest measurement made or obtained during the monitoring period.
 - ii. 30-day average discharge: means the total discharge during a month divided by the number of measurements made in the monthly period. Where less than daily sampling is required by this permit, the 30-day average discharge shall be determined by the summation of all the measured discharges divided by the number of measurements made during the same period.
 - iii. 30-day average concentration: means the arithmetic mean of concentrations quantified made during a month.
 - iv. "Discrete" sample: means any individual sample collected in less than 15 minutes.
 - v. "Composite" sample: (for flow rate measurements) means the arithmetic mean of at least six (6) individual measurements taken at equal time intervals for 24 hours or for the duration of discharge, whichever is shorter.
 - vi. "Composite" sample: (for other than flow rate measurements) means a combination of at least six (6) individual flow-weighted samples obtained at equal time intervals for 24 hours or for the duration of discharge, whichever is shorter. Flow-weighted sample means that the volume of each individual sample shall be proportional to the discharge flow rate at the time of sampling.
- I.D.2. **Reporting:** Analytical data and monitoring results, referred to as a Discharge Monitoring Report (DMR) shall be summarized, tabulated, and/or graphically illustrated for submittal to the Division. The results shall be submitted to the Division within 30 days after the data is obtained from the laboratory. The Permittee is considered compliant if the reported results are less than established permit limits (if applicable). Laboratory reports for quantitative analyses conducted by State of Nevada certified laboratories must accompany all report submittals.

Each report submittal must be signed by the person directly responsible for the use and application of regulated aquatic chemicals. The first report submitted under this permit must include the written designation of the representative authorized to sign DMRs or other periodic report submittals. If the designated representative in responsible charge changes, a new designation letter must be submitted.

- a. **Compliance Reports:** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule developed under this

permit shall be submitted no later than 14 days following each scheduled date.

- b. Other Information: Where the Permittee becomes aware of failure to submit any relevant facts in a permit application or the submittal of incorrect information in a permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or information.
- c. Planned Changes: The Permittee shall give notice to the Administrator as soon as possible of any planned alterations or additions to the list of chemical compounds used or applied.
- d. Anticipated Noncompliance: The Permittee shall give advance notice to the Administrator of any planned changes in protocol or activity which may result in noncompliance with permit requirements.

An original, signed copy of these, and all other reports required herein shall be submitted to the State at the following address:

Division of Environmental Protection
Bureau of Water Pollution Control
ATTN: Compliance Coordinator
333 West Nye Lane
Carson City, Nevada 89706-0851

(phone: 775.687.4670, extension 3137)

A signed copy of all DMRs and any other reports shall be submitted to the Regional Administrator at the following address:

U.S. Environmental Protection Agency, Region IX
NPDES/DMR WTR-7-1
75 Hawthorne Street
San Francisco, California 94105

I.D.3. Signatory Certification Required on Application and Reporting Forms:

- a. All applications, reports, or information submitted to the Administrator shall be signed and certified by making the following certification.

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- b. All applications, reports, or other information submitted to the Administrator shall be signed by one of the following:
 - i. A principal executive officer of the corporation (of at least the level of vice president) or his authorized representative who is responsible for the overall operation of the facility from which the discharge described in the application or reporting form originates;
 - ii. A general partner of the partnership;
 - iii. The proprietor of the sole proprietorship; or
 - iv. A principal executive officer, ranking elected official, or other authorized employee of the municipal, state, or other public facility.

- c. If an authorization under Part I.D.3.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part I.D.3.b. must be submitted to the Administrator prior to or together with any reports, information, or applications to be signed by an authorized representative.

Part II

II.A. MANAGEMENT REQUIREMENTS

- II.A.1. **Change in Discharge:** All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant or agricultural product identified in this permit more frequently than, or at a level in excess of, that specified in label instructions shall constitute a violation of the permit.

Any anticipated expansions or modifications which will result in new, different, or increased discharges of pollutants must be reported by submission of a new application or, if such changes will not violate the effluent limitations specified in this permit, by notice to the permit-issuing authority of such changes.

Any changes to the permitted activities must comply with NAC 445A.283 to 445A.285. Pursuant to NAC 445A.263, the permit may be modified to specify and limit any pollutants not previously limited.

- II.A.2. **Proper Operation and Maintenance:** The Permittee shall, at all times, maintain in good working order and operate as efficiently as possible all application or control facilities, collection systems, or pumps installed or used by the Permittee to manage the proper use of agricultural chemicals and products. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures.
- II.A.3. **Adverse Impact-Duty to Mitigate:** The Permittee shall take all reasonable steps to minimize releases to the environment resulting from noncompliance with any discharge limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of a noncomplying discharge. The Permittee shall carry out such measures, as reasonable, to prevent significant adverse impacts on human health or the environment.

- II.A.4. **Noncompliance, Unauthorized Discharge, Bypassing, and Upset:**

- a. Any diversion, bypass, spill, overflow, or discharge of altered irrigation water from intended conveyance mechanisms or structures under the control of the Permittee is prohibited except as authorized by this permit. In the event the Permittee has knowledge that a diversion, bypass, spill, overflow, or discharge not authorized by this permit is probable, the Permittee shall notify the Division immediately.
- b. The Permittee shall notify the Division within twenty-four (24) hours of any diversion, bypass, spill, upset, overflow, or release of chemicals or chemically-treated fluid other than that which is authorized by the permit. The following shall be included as information which must be reported within 24 hours:
 - i. Any unanticipated bypass which exceeds any effluent limitation in the permit;
 - ii. Any upset which exceeds any effluent limitation in the permit; and
 - iii. Any violation of a limitation for any toxic pollutant or any pollutant identified as the method to control a toxic pollutant.
- c. A written report shall be submitted to the Division within five (5) days of diversion, bypass, spill, overflow, upset, or unauthorized discharge detailing the entire incident including:
 - i. Time and date of discharge;

- ii. Exact location and estimated amount of discharge;
 - iii. Flow path and any bodies of water which the discharge contacts;
 - iv. The specific cause of the discharge; and
 - v. The preventive and/or corrective actions taken.
 - d. The Permittee shall report all instances of noncompliance not reported under Part II.A.4.c. at the time DMRs are submitted. The reports shall contain the information listed in Part II.A.4.c.
 - e. An "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improper application, inadequate control facilities, lack of preventive maintenance, or careless or improper operation.
 - f. A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
 - i. An upset occurred and that the Permittee can identify the cause(s) of the upset;
 - ii. The permitted activity was being properly executed at the time;
 - iii. The Permittee submitted notice of the upset as required under Part II.A.4.e.ii; and
 - iv. The Permittee complied with any remedial measures required under Part II.A.3.
 - g. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part II.A.4.i. are met.
 - h. In selecting the appropriate enforcement option, the Administrator shall consider whether or not the noncompliance was the result of an upset. The burden of proof is on the Permittee to establish that an upset occurred.
- II.A.5. **Removed Substances:** Any other pollutants or potentially hazardous materials removed in the course of treatment or control of agricultural process shall be disposed of in a manner such as to prevent any pollution from such materials from entering any navigable waters.

II.B. RESPONSIBILITIES

- II.B.1. **Right of Entry and Inspection:** The Permittee shall allow the Administrator and/or his authorized representatives, upon the presentation of credentials, to:
- a. Enter at reasonable times upon the Permittee's premises where a discharge source is located or in which any records are required to be kept under the terms and conditions of this permit;
 - b. Have access to and copy any records required to be kept under the terms and conditions of this permit;
 - c. Inspect, at reasonable times, any properties, equipment (including monitoring and control equipment), practices, or operations required in this permit; and
 - d. Perform any necessary sampling or monitoring to determine compliance with this permit at any location for any parameter.
- II.B.2. **Transfer of Ownership or Control:** In the event of any change in control or ownership of property or facilities from which the authorized discharge emanates, the Permittee shall notify the succeeding owner or controller of the existence of this permit, by letter, a copy of which shall be forwarded to the Administrator. The Administrator may require modification or revocation and re-issuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary. The Administrator shall approve all transfer of permits.

- II.B.3. **Availability of Reports:** Except for data determined to be confidential under NRS 445A.665, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Administrator. As required by the Act, effluent data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NRS 445A.710.
- II.B.4. **Furnishing False Information and Tampering with Monitoring Devices:** Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation, or order issued pursuant thereto, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, or by any permit, rule, regulation, or order issued pursuant thereto is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment. This penalty is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.
- II.B.5. **Penalty for Violation of Permit Conditions:** NRS 445A.675 provides that any person who violates a permit condition is subject to administrative and judicial sanctions as outlined in NRS 445A.690 through 445A.705.
- II.B.6. **Permit Modification, Suspension, or Revocation:**
- a. This permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
 - i. Violation of any terms or conditions of this permit;
 - ii. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
 - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - iv. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
 - v. There are material and substantial alterations or additions to the permitted facility or activity;
 - vi. The Administrator has received new information;
 - vii. The standards or regulations have changed; or
 - viii. The Administrator has received notification that the permit will be transferred.
 - b. With the consent of the Permittee and without public notice, the Administrator may make minor modifications in a permit to:
 - i. Correct typographical errors;
 - ii. Clarify permit language;
 - iii. Require more frequent monitoring or reporting;
 - iv. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the permit and does not interfere with attainment of the final compliance date;
 - v. Allow for change in ownership;
 - vi. Change the construction schedule for a new discharger provided that all equipment is installed and operational prior to discharge; and

- vii. Delete an outfall when the discharge from that outfall is terminated and does not result in discharge of pollutants from other outfalls except in accordance with permit limits.
- II.B.7. **Toxic Pollutants:** Notwithstanding Part II.B.6., if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and the Permittee so notified.
- II.B.8. **Liability:** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal, State, or local laws, regulations, or ordinances.
- II.B.9. **Property Rights:** The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property, any invasion of personal rights, or any infringement of Federal, State, or local laws or regulations.
- II.B.10. **Severability:** The provisions of this permit are severable and if any provision of this permit or the application of any provisions of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.
- II.B.11. **Duty to Comply:** The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for: enforcement action, permit termination, revocation and re-issuance, modification, or denial of a permit renewal application.
- II.B.12. **Need to Halt or Reduce Activity Not a Defense:** In an enforcement action, the need to halt or reduce permitted activities in order to maintain compliance with the conditions of this permit shall not be a defense for a Permittee.
- II.B.13. **Duty to Provide Information:** The Permittee shall furnish to the Administrator, within a reasonable time, any relevant information which the Administrator may request to determine whether cause exists for modifying, revoking and re-issuing, or terminating this Permit, or to determine compliance with this permit. The Permittee shall also furnish to the Administrator, upon request, copies of records required to be kept by this Permit.

PART III

III.A. OTHER REQUIREMENTS

- III.A.1. **Reapplication:** If the Permittee desires to continue to discharge, they shall reapply not later than 180 days before this permit expires on the application forms then in use. The renewal application shall be accompanied by the fee required by NAC 445A.232.
- III.A.2. **Existing Manufacturing, Commercial, Mining, and Silvicultural Dischargers:** In addition to the reporting requirements under 40 CFR 122.41(l), 40 CFR 122.42(a) requires all existing manufacturing, commercial, mining, and silvicultural dischargers to notify the Administrator as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit if that discharge will exceed the highest of the following "notification levels":
 - i. One hundred micrograms per liter (100 µg/L);
 - ii. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;

- iii. Five times the maximum concentration value reported for that pollutant in the permit application, per 40 CFR 122.21(g)(7); or
 - iv. The level established by the Administrator in accordance with 40 CFR 122.44(f).
- b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit if that discharge will exceed the highest of the following "notification levels":
- i. Five hundred micrograms per liter (500 µg/L);
 - ii. One milligram per liter (1 mg/L) for antimony;
 - iii. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7); or
 - iv. The level established by the Administrator in accordance with 40 CFR 122.44(f).